

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

ERIC HAYHURST,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00248

ANDREW SAUL,

Commissioner of Social Security,

Defendant.

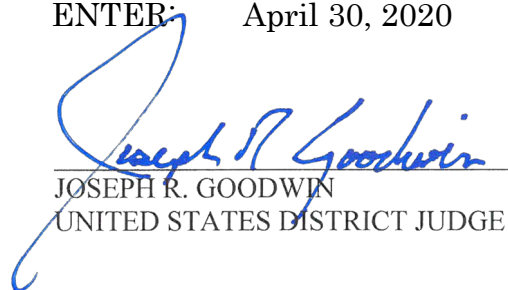
**MEMORANDUM OPINION AND ORDER**

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 22, 2019, Magistrate Judge Tinsley submitted the Proposed Findings of Fact and Recommendation (“PF&R”), [ECF No. 11], recommending the court dismiss this action pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely serve process. To date, no objections to Magistrate Judge Tinsley’s PF&R have been filed, and the time period for the filing of objections has passed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated, the court **FINDS** that the plaintiff has not filed proof of service with this Court as required by Federal Rule of Civil Procedure 4(l) and **DISMISSES** this action pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely serve process. [ECF No. 11]. The court **DIRECTS** the Clerk to send a copy of this

Order to counsel of record and any unrepresented party.

ENTER: April 30, 2020



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE